

Date: August 26, 1992

To: Home Health Agencies

HHHA 16

From: Larry Tainter, Director
Bureau of Quality Assurance

Subject: Acceptance of Physician Orders

Previously, the Bureau's position has been that a home health agency could only accept orders directly from a physician, which did not include a physician's assistant or other staff in a physician's office. This was based on an interpretation received in August, 1991 from the HCFA Region V Office in Chicago.

As a follow-up to continuing concerns regarding this issue a number of questions were sent to HCFA for further response. The following answers were received:

1. **Question:** May HHAs accept orders (verbal or written) from nurse practitioners or physician assistants without physician countersignatures? If so, what regulation allows such practice?

Answer: HHAs may accept and implement physician orders from a nurse practitioner, physician assistant, or other authorized staff if the orders are subsequently signed by the physician. The Medicare regulations for HHAs do not prohibit this practice. HHAs may not accept orders (verbal or written) from nurse practitioners, physician assistants, or any other person without physician countersignatures.

2. **Question:** May HHAs accept verbal or telephone orders for specific drugs and treatments from physician office staff when relayed by the physician? If so, what regulation allows such practices, and are there certain professionals who are allowed to do this?

Answer: See answer to question one.

3. **Question:** In your May 10, 1991 memorandum, you indicated that, where the order is not specific, the HHA must confirm with the physician, his acceptance of the plan of care developed by the HHA following the assessment visit. What does "confirm with the physician" mean? Does this not mean that the HHA must talk to the physician directly in order to confirm the order?

Answer: While it is preferable to speak directly to the physician, it may not always be possible. Confirmation of the plan of care or confirmation of additional services and/or orders added to the plan of care, may be obtained through the physician designee, office nurse, or other staff authorized by the physician to relay his orders to the HHA. This constitutes a verbal order, and must be subsequently signed by the physician. If, however, the specificity of the order remains unclear at this time, the HHA must speak directly with the physician to confirm the order. This clarification must occur prior to the services being rendered.

While it is not a requirement, a recommendation is that a home health agency have policies and procedures which specify that the agency will accept verbal or telephone orders only from a physician or persons on his/her staff who are authorized by the physician to transmit the physician's orders.

If you have any questions regarding this change, please contact Richard Cooperrider, Supervisor, Community Based Providers, (608) 267-7389.

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cc: -BQC Staff
 -Office of Legal Counsel
 -Ann Haney, DOH Admin.
 -Kevin Piper, BHCF Dir.
 -HCFA, Region V
 -Illinois State Agency
 -Ohio State Agency
 -Michigan State Agency
 -Indiana State Agency
 -Minnesota State Agency
 -WI Coalition for Advocacy
 -Service Employees Intern. Union
 -WI Counties Assn.
 -WI Medical Records Assn. Cons. Comm.
 -WI Assoc. of Hmes & Servs/Aging
 -WI Assn. of Hospital SW and Discharge Planners
 -Comm. on Aging, Ext. Care Fac./HH (SMS)
 -WI Assn. of Nursing Homes
 -WI Assn. of Medical Directors
 -Admin., Division of Care and Treatment Facilities
 -Hospice Organization Of WI
 -LTC BQC Memo Subscribers
 -Non-LTC BQC Memo Subscribers
 -Secy, Dept. of Reg. & Licensing
 -Director, Bureau of Aging DCS
 -WI Hospital Association
 -Bur. Long Term Support, DCS
 -WI Homecare Organization
 -Bur. of Design, Prof., DRL
 -Bd. on Aging & Long Term Care